Supreme Court, U. S.
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IN THE
SUPREME COURT
OF THE UNITED STATES OF AMERICA

OCTOBER TERM 1975

NO. 75-1143

JANICE CHING YEE, Petitioner Pro Se vs. EDWARD Y. C. CHUN, and/or CHUN, KERR, & DODD, Respondents.	HAWAII'S SUPREME COURT NO. 5903 APPEAL AGAINST THE ORDERS OF HAWAII'S SUPREME COURT HAWAII'S SUPREME COURT Honorable Justices: Richardson, Menor, Ogata, Kobayashi, Chang (Substitute).

PETITION FOR WRIT OF CERTIORARI
AFFIDAVIT OF PETITIONER

I hereby certify that two copies of this Petition will be served on:

WM. McCORRISTON of GOODSILL,
ANDERSON, & QUINN, Counsels
for EDWARD Y. C. CHUN, et al, Respondents
1600 Castle & Cooke Building
Financial Plaza
Honolulu, Hawaii 96813

by certified mail, postage prepaid, once this Petition is filed, or shortly after this 29th day of January, 1976.

Mrs. Janice Ching Yee
MRS. JANICE CHING YEE
3169 Alika Avenue
Honolulu, Hawaii 96817
Petitioner Pro Se

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AFFIDAVIT OF PETITIONER

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PETITION FOR WRIT OF CERTIORARI

Petitioner Pro Se hereby Petitions
for a Writ of Certiorari to Review
the Judgement of Hawaii's Supreme Court.

OPINIONS BELOW

Included are the Orders of Hawaii's Supreme Court (Appendix "A"). The Circuit Court's Order, Judgement and Decree is included as Appendix "D". Notice of Appeal to the lower Court is appended as Appendix "G".

IN THE SUPREME COURT
OF THE UNITED STATES OF AMERICA
OCTOBER TERM 1975
NO. _____

JANICE CHING YEE, Petitioner Pro Se vs. EDWARD Y. C. CHUN, and/or CHUN, KERR, & DODD, Respondents	HAWAII'S SUPREME COURT NO. 5903 APPEAL AGAINST THE ORDERS OF HAWAII'S SUPREME COURT Honorable Justices: Richardson, Menor, Ogata, Kobayashi, Chang (Substitute)

PETITION FOR WRIT OF CERTIORARI

I. STATEMENT OF JURISDICTION

Plaintiff-Appellant Pro Se hereby Petitions this Supreme Court of the United States for Writ of Certiorari against the Orders of Hawaii's Supreme Court, whereby:

1. Orders were filed:

   1) September 9, 1975 at 11:36 a.m.;

   2) October 6, 1975 at 2:27 p.m.;

   3) October 20, 1975 at 3:31 p.m.; and

   4) November 18, 1975 at 3:44 p.m.;

   AND, appended as follows in APPENDIX "A", which affirmed the April 29, 1975 lower Circuit Court's "judgement, decree, and order" (APPENDIX "D") which was for Injury of Plaintiff-Appellant Pro Se against Defendants-Appellees, who instigated and perpetrated a "Conspiracy for Prejudiced Persecution by Malicious Abuse of Judicial Process for Deprivation of Income and Legal Rights, including American Constitutional Rights for Plaintiff-Appellant" Pro

Se, against this Impropriety whereby a criminal case evolved out of an ordinary divorce case, which was irreconcilable.

Both parties are from the State of Hawaii.

2. The Jurisdiction of This Supreme Court of the United States was invoked on the grounds of the following situations:

   1) A hearing was ordered and heard on September 2, 1975 (APPENDIX "B") and "The Court will take this under advisement" was the last statement made in Hawaii's Supreme Court before the "Orders" of APPENDIX "A".

   2) A "Motion for Reconsideration of the Order of October 20, 1975, in its Entirety" was not accepted for filing and left for the Justices by way of a formal objection, on November 3, 1975. (EXHIBIT "1").

   3) A "Motion for Relief from the Justices' Order of November 18, 1975," was not accepted for filing on December 11, 1975 by the clerks; claiming the Order of November 18, 1975 as their authority. (EXHIBIT "2")

   4) A "Motion to Amend Pleadings for Inadvertance", and delete **Rule 61 of HAWAII'S RULES OF CIVIL PROCEDURE** (for the "Motion to Consolidate Appeals Against Conspiracy") was not accepted for filing unless Defendants-Appellees Edward Chun, et al's name was deleted. It was still not filed, although left for the Justices to order for filing on November 25, 1975, after the names of Edward Chun, et al,

and/or Plaintiff-Appellant Pro Se's ex-husband Alfred A. Yee, et al (Defendants-Appellees, case H.S.C.* No. 5930, pending re-Appeal, H.S.C.* No. 6102), was deleted. (EXHIBIT "3")

This didn't make sense; for both of the Defendants-Appellees named were instigators and/or perpetrators of the "Conspiracy" whereby the Respondents Edward Chun, et al, conducted a Defamatory, Perjurous, Malicious Defense for Respondents' client Alfred Alphonse Yee, et al, for harassment and injury of Yee's ex-wife Janice Ching Yee, Petitioner Pro Se, against Defendants-Appellees' intent as "Malice Aforethought" to "Get" Alfred's ex-wife Janice, same Plaintiff-Appellant Pro Se, whose intentions are good for Justice from the Courts and not for delay; so please consider **Rule 61** deleted.

5) A "Motion to Consolidate Appeals Against Conspiracy for Prejudiced Persecution by Malicious Abuse of Judicial Process for Deprivation of Income and Legal Rights for Plaintiff-Appellant" Pro Se, was accepted for filing December 5, 1975, only if the name of Defendants-Appellees Edward Chun et al, was deleted, as was Chun's client, Defendants-Appellees Alfred Alphonse Yee, et al. This "Motion" was denied and is pending Reconsideration of "Objection", filed January 21, 1976. (EXHIBIT "4")

*Hawaii's Supreme Court

6) Another "Motion for Judgement on the Pleadings for Plaintiff-Appellant Pro Se", also was not accepted for filing, but again left for the Justices to order to be filed on December 23, 1975. (EXHIBIT "5")

7) A Request for Transcript on October 4, 1975, was denied on October 20, 1975; and another Request for Transcript on December 29, 1975, was denied January 27, 1976. (APPENDIX "C")

8) A Request for Transcript of Proceedings and Transcript of the Records was refused by the clerks on the afternoon of January 19, 1976 (APPENDIX "C"), and requested again on January 26, 1976, and refused again by the clerks for filing or receipt and left for the Justices by a secretary from the Administration Office of Hawaii's Supreme Court. (APPENDIX "C")

THEREFORE, THE JURISDICTION OF THIS COURT has been invoked since, according to the **UNITED STATES SUPREME COURT RULES, Rule 19(1)(a & b)**:

"(a) Where a state court has decided a federal question of substance not theretofore determined by this court, or has decided it in a way probably not in accord with applicable decisions of this court.

"(b) Where a court of appeals has rendered a decision in conflict with the decision of another court of appeals on the same matter; or has decided an important state question in a way in conflict with applicable state law; or has decided an important question of federal law which has not

been, but should be, settled by this court; or has so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such a departure by a lower court, as to call for an exercise of this court's power of supervision,"

and thereby Petitioner's Petition for a Writ of Certiorari can be reviewed by This Court, for Supervision.

The Jurisdiction of This Supreme Court of the United States, also reside on the **FEDERAL RULES OF CIVIL AND APPELLATE PROCEDURE, Chapter 133, Title 28, Section 2101(c)** and **Rule 21 of the U. S. SUPREME COURT RULES.**

PETITIONER hereby Petitions to This Court for a Writ of Certiorari in the above captioned case for a Show Cause Order whereof, this Petitioner hereby prays that an Order be issued directed to the said Honorable Supreme Court of Hawaii, requiring it to Show Cause in This Court of the United States, at a time to be designated for:

II. **QUESTION**–WHY DOESN'T HAWAII'S SUPREME COURT BELIEVE IN JUSTICE FOR PLAINTIFF-APPELLANT PRO SE, PETITIONER, JANICE CHING YEE?

1. Why does it not vacate the Judgement below; OR, Order a New Trial, according to **Rule 59(a & d) of FEDERAL RULES OF CIVIL PROCEDURE** (or **HAWAII'S** duplicate **Rule 59(a & d)**)?
2. Why does it not Review and Reconsider the Hawaii Supreme Court's Order(s), which was in Reversible Error for substantial damage of Plaintiff-Appellant Pro Se's Legal Rights against the "Conspiracy for

Prejudiced Persecution", as mentioned and/or against Defendants-Appellees, Edward Chun et al, as instigators and/or perpetrators of the "Conspiracy, and should be included as a Conspirator* for the "Consolidation of Appeals" (EXHIBIT "4") of December 5, 1975?

3. Why does it deny a copy of the Transcript of Court Proceedings of the case H.S.C. No. 5903? (APPENDIX "C")
4. Why does it not use its initiative as Hawaii's Supreme Court for its prerogative to order Summary Judgement for Plaintiff-Appellant Pro Se, OR, Order Judgement on the Pleadings for same Petitioner for MERIT AND REASON for PLEADINGS FOR CLAIMS FOR COMPLAINTS AND/OR ALLEGATIONS.
5. Why did it affirm the lower Circuit Court's Judgement, which upheld Respondents Edward Y. C. Chun, et al's Malice for Cruel and Unusual Punishment; such as the ex-"guardian ad litem" order; OR Deprivation of Income and Legal Rights, including protection by any one of Plaintiff-Appellant Pro Se, Petitioner's four sons any night of the week?

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*Alfred A. Yee et al, No. 5930, Hawaii Supreme Court
Edward Chun et al, No. 5903, HSC
Robert Hogan et al, No. 5971, HSC
Robert Franklin, No. 5949, HSC
Harold Nickelsen et al, No. 5969, HSC
Stephanie Kokernak, No. 5943, HSC
Dr. Betty Adams and/or Gerry Nagahisa et al, No. 5924, HSC
Judge Betty Vitousek et al, No. 6008, HSC
James Koshiba and/or the Hawaii Bar Association, No. 5970, HSC

6. Why did it affirm the lower Circuit Court's harmful, PREJUDICED, REVERSIBLE, ERROR in Judgement?

7. Why did it deny Legal Rights for Plaintiff-Appellant Pro Se? WHY CONSIDER MOTIONS BEFORE FILING?

III. STATEMENT OF THE CASE

1. BACKGROUND

For further explanation of the background of this Case, or Cases, leading up to the present situation; a "hidden Conspiracy" was latent in 1967 and was evident in 1968, when Plaintiff-Appellant Pro Se's ex-husband Alfred Alphonse Yee, "coerced" attempted suicide by various false accusations, methods of defamation, and deprivation of love, security, or "mental future security". But the actual Conspiracy began in 1971, when Petitioner's ex-husband Alfred A. Yee (Def. App., H.S.C. No. 5930 or H.S.C. No. 6102) as instigator and/or perpetrator, obtained a housekeeper by the name of Stephanie Kokernak (Defendant-Appellee, H.S.C. No. 5943) as the Conspirator* who perpetrated the Conspiracy and helped coerce divorce by Plaintiff-Appellant Pro Se, who once didn't believe in divorce, but was not against it. By this divorce, Alfred A. Yee et al's counsel Appellees-Respondents Ed Chun, et al, instigated a defense by Malicious Conspiracy for Malicious Harassment and Injury by Deprivation of Income and all Legal Rights for Petitioner against Alfred

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Alphonse Yee, who threatened to "get" Petitioner, who divorced Alfred Alphonse Yee for this and physical violence.

Petitioner's ex-counsel Robert Hogan (Defendants-Appellees, H.S.C. No. 5971) was told of this coercion for destruction, but treachery as another instigator and/or perpetrator for Conspiracy made Robert Hogan Malfeasant. Judge Betty Vitousek (Defendants-Appellees H.S.C. No. 6008) then lowered herself as another instigator Conspirator* to perpetrate this Deprivation by Prejudiced Judicial Persecution by Malicious Abuse of Judicial Process, as the "false arrest" ex-"guardian ad litem" order which was Illegal; for Conspirator' Harold Nickelsen was Illegal in this VOID position of (ex)"guardian ad litem", and did not have the decency to decline this Impropriety against a capable American woman as Plaintiff (then) against also Gerry Nagahisa, et al, and/or Dr. Betty Adams, psychiatrist, et al (Defendants-Appellees H.S.C. No. 5924) whose PERJURED DEFAMATORY "MALICE AFORETHOUGHT" "severe chronic mental illness" report and testimony was for "murder" of name, reputation, and character of Plaintiff-Appellant against both reports which caused loss of custody of the Children, and personal freedom, and income for Petitioner against the perpetration of the Conspiracy by Nagahisa et al, and/or Adams et al, as the tools of Edward Chun et al's instigated Coerced Ignominy by Defamation, Libel,

*Page 7.

and Slander to add to Coerced Destitution by Swindle by the Instigators and/or Perpetrators of the Conspiracy which was for ultimate Destruction of Plaintiff-Appellant against Defendants-Appellees Edward Chun who conducted this Malicious, Defamatory, Destructive Defense for Injury of Petitioner.

Upon report to the Ethics Commission of the Hawaii Bar Association against Conspirators* Robert Hogan et al and Conspirators* Judge Betty Vitousek et al; James Koshiba, then committee Chairman, refused to see Conspirator* Robert Hogan's Malevolent, Malfeasant, Illegal Impropriety, which was unethical, for Hogan neglected to Appeal for custody of the Children to Petitioner against Hogan's Malfeasant Malevolence to Strike or Appeal also against the ex-"guardian ad litem" order against his ex-client, who never had a hearing for this insinuation of incompetency. Therefore, this made Koshiba (Defendants-Appellees, H.S.C. No. 5970) a Contributory Conspirator,* unethical in the position of Ethics Chairman for the Hawaii Bar Association. The Ethics Committee never answered the Complaint against Judge Betty Vitousek, whose Malfeasant, Prejudiced Impropriety was "Malice Aforethought" for the "murder" of "judicial assassination" of the character, reputation, and good name of Plaintiff-Appellant Pro Se, Petitioner, Janice Ching Yee against this aiding and abetting of previously mentioned "Malice Aforethought" of Defendants-Appellees Edward

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*Page 7.

Chun et al and client Alfred A. Yee, et al. Upon inquiry to more than 100 (one hundred) or more, of Hawaii's Bar Association members, all refused to help, or took the opportunity to "get" what could be gotten and not give help, wherefore there was no other recourse or alternative than to Plead as Plaintiff-Appellant Pro Se, who had one course of Business Law from Northwestern University, about twenty-five (25) years ago for Law background, and no other Law background for Pleading as a capable American woman as Petitioner, who wants to set a precedent for Complete Settlement for Petitioner, who does not want to suffer further the torture of small alimony harassment, which does not give FREEDOM for both sides, who should be against Respondents, Edward Y. C. Chun, et al, who conducted a Malfeasant, Perjurous, Defamatory, Malicious Defense, which made so much trouble for Defendants-Appellees' client A. A. Yee, et al, not to mention for Petitioner, all of it can be laughed at, if it wasn't so pitifully sadistic and malicious.

IV. **SPECIFICATION OF POINTS OF ERROR UPON WHICH PETITIONER INTENDS TO RELY ON**:

1. According to **HAWAII'S REVISED STATUTES, Chapter 605-2**, Plaintiff-Appellant Pro Se can plead in any Court of the State of Hawaii; and should not be denied Justice by Hawaii's Supreme Court, who should not have affirmed the lower Circuit Court's "order, judgement, and decree" (APPENDIX "D") and/or, which denied Justice for Petitioner as previously mentioned, and can be confirmed, according to

Rule 19(1) (a & b) of the UNITED STATES SUPREME COURT RULES; the UNITED STATES CONSTITUTION, specifically the **AMENDMENTS 1 to 15**; and **HAWAII'S RULES AND/OR STATUTES.**

2. Hawaii's Supreme Court should have found the lower Circuit Court's Judge Kawakami was Prejudiced and said, on April 8, 1975 at 11:46 a.m., previous to the first hearing (April 9, 1975 at 10:30 a.m.) against the "Conspirators"*, "What if I were to tell you, you won't get anything out of this?" upon getting permission to file a "Motion", which was not exactly in conformity for margins, (EXHIBIT "P.K.") since a copy of **HAWAII'S RULES OF CIVIL PROCEDURE** or the **HAWAII'S REVISED STATUTES** was not received by Plaintiff Pro Se until June, 1975, although ordered about January, 1975. (The libraries were available, but there wasn't time between giving attention to five (5) children and trying to do everything else alone, including typing of Pleadings, for lack of money to hire anyone.)

   Also, this was where Kawakami's office said Kawakami wished to speak to Plaintiff Pro Se; and the statement mentioned was made. This VOIDED the lower Circuit Court Judge's Judgement and therefore should not have been affirmed by the Supreme Court of Hawaii, for then it compounded the lower Circuit Court's harmful, prejudicial, and reversible ERROR. This is Illegal, according to **CRIMINAL LAW** by Donnelly, Goldstein, and Schwartz, pages 966-970,

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"People vs. Winters". 171 Cal. App. 2d 876, 342, P. 2d 538 (App. Dept. Sup. Crt. 1959), the Supreme Court Ruled there:

> "The dismissals were void because the trial Judge (Kawakami and/or Vitousek) acted in a matter where he openly declared his bias and prejudgement without disqualifying himself."

3. THE INTENT of the lower Circuit Court Judge Kawakami was not good; for no matter which action was presented, there never would have been a Summary Judgement or Judgement on the Pleadings for Plaintiff Pro Se, then, and I know it now. For, as well as I pled, or tried to plead, I couldn't sway Kawakami's Prejudice.
4. Hawaii's Supreme Court should have seen Kawakami's Conflict for Prejudiced Judgement and therefore should have denied Respondents Edward Chun et al's Motion for Affirmation of the lower Circuit Court's ERROR or PREJUDICE.

PETITIONER hereby Petitions for a Writ of Certiorari from This Supreme Court whereby the Justices can Order Restitution for Petitioner for Summary Judgement for Petitioner for Monetary Claims for MERIT of Petitioner's Pleadings, OR, a Judgement on the Pleadings, as pled and supported by APPENDIX "E", and EXHIBIT "E".

Might This Supreme Court GRANT THIS PETITION, upon Review, for facts, against Hawaii's Supreme Court's Erroneous Order(s) of affirmation of the lower Circuit Court's Erroneous Reversible Judgement.

V. ARGUMENT

HAWAII'S SUPREME COURT should not deny Justice for Plaintiff-Appellant Pro Se, for:

1. It could have vacated the Judgement below by using its discretion, initiative, and/or prerogative to Order the "Motion for Relief from the Justices' Order of Nov. 18, 1975", filed, according to **Rule 59 (a & d) of HAWAII'S RULES OF CIVIL PROCEDURE** (F.R. of C.P.)**; include Defendants-Appellees Edward Chun et al, as Conspirator* or the "Motion to Consolidate Appeals against Conspiracy", (EXHIBIT "4") which was in Violation of Legal Rights for Plaintiff-Appellant Pro Se, Petitioner; OR, Order a New Trial and Direct a New Judgement for Plaintiff-Appellant Pro Se, according to **Rule 59 (a & d)** again, against the Erroneous "Order(s)" of Hawaii's Supreme Court, for a Federal question was "decided in a way probably not in accord with applicable decisions of this Court," according to **Rule 19(1)(a) of the U. S. SUPREME COURT RULES**. The Justices should have been big enough men to admit and reverse their Error.
2. It could have "Reconsidered" the Order of October 20, 1975, pardoning persistence of Petitioner who believes I am right; and ordered a New Trial and/or New Judgement, according to **Rule 59(a & d)**, and denied affirmation of the lower Circuit Court's Judgement, which was harmful, reversible, and prejudicial error for Defendants-Appellees Edward Chun, et al, as Conspirators* for the "Conspiracy for

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**Federal Rules of Civil Procedure

Prejudiced Persecution, etc." which was Violation of Legal Rights, including American Constitutional Rights, whereby a "Federal question" was "decided in a way probably not in accord with applicable decisions of This Court", according to **Rule 19(1)(a) of the U. S. SUPREME COURT RULES**, or Order Default by Edward Chun, et al, for NO ANSWERING BRIEF.

3. It should not have denied a copy of the transcript of Hawaii's Supreme Court proceedings for the hearing of September 2, 1975, for case H.S.C. No. 5903 or a copy of the transcript of the proceedings for the hearing of October 21, 1975, for case H.S.C. No. 5930. This can be considered Conflict for Contributory Conspiracy or Obstruction of Justice for Plaintiff-Appellant Pro Se, who knows the transcript of proceedings for No. 5930 should contain Defendants-Appellees; Edward Chun's Perjury for Defamation, Libel, and Slander of an "interlocutory" decree, order, or judgement, which was not ordered, decreed, or adjudged in the case H.S.C. No. 5930 (on Re-Appeal No. 6102) and therefore Edward Chun, et al's Perjury was instigated as counsel for client Defendants-Appellees A. A. Yee, et al, which is also on "page 3" of the "September 29, 1975" "Motion" for case H.S.C. No. 5930. (APPENDIX "F")

   This was Deception for Delay as Obstruction of Justice for Plaintiff-Appellant Pro Se, who tried to find out about this so-called "interlocutory order" before the hearing of Hawaii Supreme Court case No. 5930, on October 21, 1975, thinking it was part of

the "Confidential File", which Vitousek's secretary Sen refused to let be shown, saying "Where's your attorney?" "You can't take it out unless your attorney requests it," even after Petitioner called on **Rule 91(a) of HAWAII'S FAMILY COURT RULES**, whereby Plaintiff Appellant Pro Se can plead for self, and thereby in the position, can check the files, which should be open to Plaintiff-Appellant Pro Se for information pertaining to same Petitioner, according to the **UNITED STATES CONSTITUTION** for Petitioner as a third generation American Janice C. Yee. This explains Petitioner's mention of the "interlocutory judgement" in the proceedings, which was inadvertent error; for an "interlocutory judgement" never entered in case H.S.C. No. 5930, Yee vs. Yee. So, can This Supreme Court please Order a copy of the "Transcript of the Record of the case" H.S.C. No. 5903, Yee vs. Chun; "including the proceedings in the court whose judgement or decree is sought to be reviewed", to "be certified by the clerk" of the Supreme Court of Hawaii, and according to **Rule 21, of the U. S. SUPREME COURT RULES**? May this include the entire Record of H.S.C. No. 5903 (including Hawaii Civil No. 44245) and a copy of Hawaii's Supreme Court's proceedings for case H.S.C. No. 5930's Hearing on October 21, 1975, as evidence of Defendants-Appellees Edward Chun's PERJURY for MALICIOUS INJURY of Plaintiff-Appellant Pro Se's good name, reputation, and character, for **Rule 20; HAWAII'S SUPREME COURT RULES**? On both occasions, Jan. 19, 1976 (APPENDIX "C") and Jan.

26, 1976 (APPENDIX "C"), the clerks of Hawaii's Supreme Court said Hawaii Supreme Court doesn't have Records of its proceedings, but the Bailiff Phillips said he had a tape of the proceedings, but clerk Chun and clerk Makikau of the Office of Hawaii's Supreme Court, said the so-called tapes were only for the Court's use. No copies were to be made from them. Therefore, in reiteration, can This Supreme Court please Order or demand a copy of said Records, for evidence of Deprivation of Legal Rights for Plaintiff-Appellant Pro Se, as Petitioner, for this was in conflict of **Hawaii's Revised Statutes, Chapter 622-19**, for a "Transcript of Judicial Record" (APPENDIX "C"), for then it was Obstruction of Justice against Ed Chun's Perjury for "involuntary servitude" or "financial enslavement", which is a Violation of Legal Rights for Petitioner, invokement of the Jurisdiction of This Supreme Court, wherefore, according to **Rule 19 (1) (b), U. S. SUPREME COURT RULES**.

4. It could have used its initiative and prerogative as Hawaii's Supreme Court Justices to Order Summary Judgement for Plaintiff-Appellant Pro Se, OR, Order Judgement on the Pleadings (APPENDIX "E"), according to **Rule 12 (c) of HAWAII'S RULES OF CIVIL PROCEDURE (F.R. of C.P.)** for MERIT WITH REASON for same Petitioner for H.S.C. No. 5903, against Defendants-Appellees after all, according to the Jurisdiction of **HAWAII'S SUPREME COURT RULES, Rule 1 (a) (1)** whereby a "judgement appealable only upon the allowance of

the Appeal by a Circuit Court is governed by **Rule 73 (a) of HAWAII'S RULES OF CIVIL PROCEDURE** in criminal cases as well as in civil cases." It can set a good precedent for itself as well as for Plaintiff-Appellant Pro Se Janice Ching Yee as a capable American woman who just never committed adultery, crime, or deliberate sin, and should have custody of the Children to Mother as Petitioner and not set a bad precedent against the "good women" of America and/or not sanctioned by the terrible, harmful, prejudiced, reversible erroneous judgement of the lower Circuit Court, wherefore Petitioner Petitions for this Writ of Certiorari from This Supreme Court where it can Review the lower Court's erroneous Judgements and/or Order(s), which affirmed the lower Circuit Court's sanction of Violation of Legal Rights, including American Constitutional Rights, for Petitioner for **Rule 19 (1) (a & b) of the U. S. SUPREME COURT RULES.**

5. It could have reversed the lower Circuit Court's harmful, prejudiced, reversible Judgement and not upheld Respondents, Edward Y. C. Chun, et al's Malice for Cruel and Unusual Punishment against Petitioner as a capable American woman who never committed adultery, crime, or deliberate sin, as the "coerced incompetency", "false arrest" ex-"guardian ad litem" Order or the recent "trustee" Order, which is also "coerced censorship", which is in Violation of the **First Amendment** of the **U. S. CONSTITUTION'S RIGHTS** for Petitioner. It was fourteen (14) months before Harold Nickelsen, as ex-"guardian" was

discharged by Judge Vitousek, who violated by this VOID position, the **Thirteenth or Fourteenth** and/or **First Amendment** against "involuntary servitude" by Deprivation of Income and Legal Rights for Petitioner, for this Federal question was "decided in a way probably not in accord with applicable decisions of This Court", according to the **U. S. SUPREME COURT RULES, RULE 19 (1) (a & b)**, OR Hawaii's Supreme Court "rendered a decision" which is "in conflict", according to "California's Supreme Court" in **"People vs. Winters", 171 Cal. App. 2d 876, 342, P. 2d 538 (App. Dept. Sup. Ct., 1959), according to CRIMINAL LAW by Donnelly, Goldstein, & Schwartz, pages 966-970**, as mentioned for its decision earlier.

6. It could have denied affirmation of the lower Circuit Court's harmful, reversible, prejudiced Judgement which condoned, aided and abetted "coerced suicide" which was the hidden cause of the divorce and is evident in the last 52 months since initiation of the divorce, and 36 months (thirty-six) since "final absolute divorce" by Feb. 12, 1973, filed March 1, 1973.

   Petitioner's ex-attorney Defendants-Appellees Robert Hogan, et al (H.S.C. No. 5971) was told of this, but it was not elaborated or used, not realizing the "secret" can be the cause of delay as Obstruction of Justice for Plaintiff-Appellant Pro Se for Complete Settlement for Divorce. The lower Circuit Court was Erroneous for Defendants-Appellees Edward Chun et al, is guilty as a Malfeasant, Conspirator* for

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"coerced destruction" of Plaintiff-Appellant Pro Se against Malfeasant, Malicious Edward Chun, who instigated and/or conducted a Malicious Defamatory, Restraintive, Defense for Harassment and Injury of Petitioner against the Erroneous Affirmation of Hawaii's Supreme Court, which is reversible; for "an important question of Federal Law which has not been, but should be, settled by This Court" according to **Rule 19 (1) (b)** against Violation of American Constitutional Rights, all to be discussed.

Petitioner hereby Petitions This Court to Order Summary Judgement for Petitioner, who hereby Demands $2 million for Petitioner against Respondents, Edward Y. C. Chun, et al, who must pay for Complete Restitution (APPENDIX "E") for Claims for Monetary Remedy as Relief for Petitioner for Suffering Suffered through Deprivation of Income and Legal Rights for Equal Security and Equal Legal Protection as afforded by the **U. S. CONSTITUION**, including all **AMENDMENTS**.

7. It could have considered Plaintiff-Appellant Pro Se's APPEALS FOR ALL LEGAL RIGHTS FOR PLAINTIFF-APPELLANT PRO SE, including:

   1) **HAWAII'S SUPREME COURT RULES**, hereby appended as **APPENDIX "ETHICS"**.

   2) **HAWAII'S REVISED STATUTES, Chapter 605-2**, whereby:

      "No person shall be allowed to practice in any court of record unless he has been duly licensed so to do by the supreme court; provided, that nothing in this chapter shall prevent **any person, plaintiff**", etc., "from appearing in person before any court of justice, and there prose-

cuting his own cause, without the aid of legal counsel. **(CC 1859, +1068; RL 1925, +2305; RL 1935, +3604; RL 1945, +9702; RL 1955, +217-2).**"

3) **AMERICAN CONSTITUTIONAL RIGHTS**, including the **BILL OF RIGHTS, AMENDMENTS 1 to 15** (according to the **ENCYCLOPEDIA BRITTANICA (vol. 6) 1967, pages 401-405**) specifically:

(1) **First Amendment** for Equal Protection of the Law against Violation of Constitutional Rights for Life, Liberty, Religion, Speech, Press, and Petition, as also protected by the **Fourteenth Amendment**. This includes protection against Prejudiced Persecution and Invasion of Privacy.

Hawaii's Supreme Court should have found the lower Circuit Court Judge was prejudiced, as mentioned earlier. Hawaii's Supreme Court should have found the Defendants-Appellees Edward Chun, et al, and the lower Family Court Judge Vitousek were the instigators, and/or perpetrators, who instigated the Prejudiced Persecution by Conspiracy arrest" ex-"guardian ad litem" order against Petitioner who was therefore compelled to bring suit against the Conspirators* to stop Judge Vitousek's Prejudiced Persecution, which is still evident, and, for which Judge

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*Page 7.

Vitousek said, "I'm sorry; I can't help you", before an opportunity was had to ask, in reiteration of Pleadings for one of the Children to protect Petitioner as Mother Janice Ching Yee for any night of the week. This pleading was never answered, thereby causing substantial damage to Petitioner's Legal Rights to feel protected legally and/or secure, for as Petitioner, as the real Mother Janice Ching Yee, for five (5) legitimate children from twenty (20) years of marriage, any "good woman" as divorcee, should not lose custody of the children; especially for Petitioner as real Mother Janice Ching Yee, who never committed adultery, crime, or deliberate sin; and should not spend 164 (one hundred sixty-four) weekends alone after pleas to ex-husband, children, judges, lawyers, or priests. This is a traumatic nightmare which is unforgettable, irreparable harm against any divorcee in a like situtation as Plaintiff-Appellant Pro Se. My daughter was home or there were tenants in the "studio" on the other unaccounted for weekends, of the last 52 (fifty-two) months, which were lonely, but there was help if of necessity. This was Illegal Prejudiced Persecution, as explained earlier in **CRIMINAL LAW, P. 966-970, "People vs. Winters"**. This also applies to Judge

Vitousek, for decisions other than "final absolute divorce".

(2) **Fourth Amendment** against "false arrest guardian ad litem" or "trustee" orders insinuating incompetency of a good capable woman as Plaintiff (Appellant Pro Se) as Petitioner without Due Process of Law, against non-notification of, or Hearing by immediate Family members prior to the "false arrest" ex-"guardian ad litem" order, both of which were used as Restraint to aid the "Conspiracy for Prejudiced Persecution by Malicious Abuse of Judicial Process, etc.", for Petitioner for the Right to a Fair Trial. These "false arrest" Orders were caused by Perjured Defamatory Reports, which were also the cause for loss of custody of the children to Petitioner.

(3) **Sixth Amendment** for a speedy trial by jury, for the accused after all as well as for Petitioner, or to be informed of the nature of the accusation of incompetency against Petitioner as a good, capable American woman, against a divorce initiated September 16, 1971, and not financially settled to this date of January 29, 1976.

(4) **Eighth Amendment** against "cruel and unusual punishment", which is also against the Fourth, Fifth, and Sixth Amendments; unless duly convicted; AND, which is included as part of the protection afforded

by the Thirteenth and Fourteenth Amendments.

(5) **Thirteenth and Fourteenth Amendments** for Equal Protection by Law against "involuntary servitude" or "financial enslavement", after all Petitioner doesn't wish to work for my ex-husband or alimony, which was and still is unequitable as settlement.

4. **UNITED STATES SUPREME COURT RULES, Rule 19 (1) (a & b)** whereby This Supreme Court has the Jurisdiction to Direct Hawaii's Supreme Court to GRANT SUMMARY JUDGEMENT TO PETITIONER AS PLAINTIFF-APPELLANT PRO SE against its former Order(s) which were erroneous and compounded the harmful, prejudicial, reversible errors of the lower Circuit Court which denied Summary Judgement for Plaintiff (Appellant) Pro Se.

The circumstances in Hawaii's Courts were one of apathy, where no quarter was asked or expected, but none was given for the first Opening Brief (this case H.S.C. No. 5903) of a woman who had to plead alone as Plaintiff-Appellant Pro Se last minute, after trying to find a lawyer to help.

So, can This Supreme Court please accept the continuous increase of legal knowledge by Petitioner, and excuse any excusable, inadvertent neglect, according to **Rule 60 (b-1) of FEDERAL RULES OF CIVIL PROCEDURE**, for the earlier Pleadings, whereby everything has been a "do-it-and-learn-it-as-you-go-along" case or cases,

with thanks to all who tried to help.

VI. CONCLUSION

Petitioner hereby appeals to This Supreme Court of the United States to GRANT THIS APPEAL AND/OR PETITION for a WRIT OF CERTIORARI and grant its timeliness, according to **Chapter 133, Title 28, Section 2101(c) of the FEDERAL RULES OF CIVIL AND APPELLATE PROCEDURE,** for Petitioner has not stopped trying to find a lawyer to help culminate the case for Summary Judgement or Judgement on the Pleadings for Plaintiff-Appellant Pro Se, as Petitioner, for all Pleadings, including memorandums of Law, arguments, exhibits and/or appendages.

IN CONCLUSION, if This Supreme Court finds it more judicious to determine Review and/or Order a New Trial and/or direct a New Judgement, according to **Rule 59 (a & d) of the FEDERAL RULES OF CIVIL PROCEDURE** (or H.R. of C.P.), please do so. If This Supreme Court finds it more judicious to direct Hawaii's Supreme Court to GRANT SUMMARY JUDGEMENT TO PLAINTIFF-APPELLANT PRO SE, I HEREBY THANK THIS HONORABLE SUPREME COURT. In either event, this Honorable Petitioner prays for This Honorable Court to GRANT THIS PETITIONER'S WRIT OF CERTIORARI, and order all Records to be designated, if needed, for This Supreme Court of America for Petitioner, who hereby thanks This Court for its time.

Mrs. Janice Ching Yee

Mrs. Janice Ching Yee, Petitioner
Petitioner Pro Se

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Honolulu, Hawaii 96817

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Defendants-Appellees

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Honolulu, Hawaii 96813

IN THE SUPREME COURT
OF THE UNITED STATES OF AMERICA
OCTOBER TERM 1975
NO. _____

JANICE CHING YEE, Petitioner Pro Se, vs. EDWARD Y. C. CHUN and/or CHUN, KERR, & DODD Respondents.	) HAWAII'S SUPREME COURT) NO. 5903) APPEAL AGAINST THE) ORDERS OF HAWAII'S) SUPREME COURT) HAWAII'S SUPREME COURT) Honorable Justices:) Richardson, Menor, Ogata,) Kobayashi, Chang (Substitute)

AFFIDAVIT OF PETITIONER

I am Mrs. Janice Ching Yee of 3169 Alika Avenue, Honolulu, Hawaii 96817, and being duly sworn and under oath swear and affirm that all of my "unprofessional" LEGAL PLEADING, including Memorandums, Arguments and Exhibits, are pled in good faith and/or with good intentions and not frivolous for delay.

Mrs. Janice Ching Yee

Mrs. Janice Ching Yee
Petitioner Pro Se

Subscribed and sworn to before
me this 30th day of January, 1976

/s/ Anne Osenburg

Notary Public, First Judicial
Circuit, State of Hawaii

My commission expires: